



STATE OF DELAWARE

Division of Development Disabilities Services Task Force

Meeting Minutes – December 4, 2019

1 Senator Stephanie L. Hansen, Co-Chair, called the meeting to order at 1:01 p.m. Those present
2 were Representative Kevin S. Hensley, Marissa Catalon, Deputy Director for the Division of
3 Development Disabilities Service (DDDS), Laura Strmel, Director of Employment Services at St.
4 John's, Bianca Allegro, Director of Delaware Mentor, Terri Hancharick, Chair of the Advisory
5 Council for DDDS, Vice-Chair of the State Council for Persons with Disabilities, Kyle Hodges,
6 Policy Director for the State Council for Persons with Disabilities, Rita M. Landgraf, University
7 of Delaware and former Cabinet Secretary for Department of Health and Social Services, Allan R.
8 Zaback, Wilmington University, Gary Cassedy, Vice-President of Programs with Easter Seals,
9 Michele Mirabella, Director of Residential Services for Chimes Delaware, and Senator Anthony
10 Delcollo, via telephone. Roy LaFontaine III and Representative Kendra Johnson, were absent. A
11 quorum was met.

12 Co-Chair Hansen asked for introductions of those in attendance and the organization they
13 represent. Members were reminded that there is a vacancy on the task force and any individual
14 interested in serving should contact staff.

15 Gary Cassedy made a motion to approve the November 20, 2019 minutes with the necessary
16 corrections. The motion was seconded by Laura Strmel. All in favor, no opposed, the motion
17 carried, 11-0 with Senator Anthony Delcollo, Representative Kendra Johnson and Roy LaFontaine
18 not present.

19 Co-Chair Hansen moved to the continued discussion of the draft recommendations from the
20 previous meeting. The first recommendation read that DDDS should always consider the question,
21 "How can we collaborate with providers, families/guardians, and service recipients in their early
22 planning relation to this issue?"

23 Laura Strmel asked if DDDS had a mission statement or vision that this recommendation could be
24 incorporated into.

25 Bianca Allegro asked if the Division had any training opportunities or code of conduct for the role
26 of providers outlined within the guiding principles or overall vision. If not, it should be
27 incorporated. Marissa Catalon clarified that, at this time, there is not.

28 Co-Chair Hansen read the six proclamations, beliefs, and guiding principles for DDDS found on
29 the Division's website.

Gary Cassedy stated that the recommendation should be more active and add part of what's in the rationale.

The discussion led to the following draft recommendation: "It is recommended that DDDS to incorporate within their governing documents that they will collaborate with service recipients, providers, families and guardians, in their planning, problem solving and communications, for new regulations and procedures and approaches." Gary Cassedy made a motion to approve. Rita Landgraf seconded. No opposed, Marissa Catalon abstained, the motion carried, 10-0-1 with Senator Anthony Delcollo, Representative Kendra Johnson and Roy LaFontaine not present.

The subcommittee moved to the second draft recommendation: "It is recommended that as DDDS considers new regulations, systems, and project mandates, they be required to address the question "How does the acknowledged under reimbursement of providers impact their ability to meet this requirement, and what is the resulting impact on service recipients, families and guardians?" Gary Cassedy made a motion to approve. Rita Landgraf seconded. No opposed, Marissa Catalon abstained, the motion carried, 10-0-1 with Senator Anthony Delcollo, Representative Kendra Johnson and Roy LaFontaine not present.

Co-Chair Hansen moved to updates from the subcommittees.

Representative Kendra Johnson, the chair of the DSP subcommittee was not present, but it was announced that the next meeting was set for December 9, 2019 at 2 pm in the House Hearing Room located on the second floor of Legislative Hall.

Laurel Strmel, the chair of the Substantiated Incidents Subcommittee, stated that the third meeting was tentatively scheduled for December 18, 2019 at 10am pending the reservation of a meeting room in Legislative Hall.

The Structure/Leadership subcommittee, chaired by Allan Zaback, reviewed data received from DDDS from questions posed by its members. The subcommittee is currently drafting recommendations which focus on climate/working environment, communication, the Division's structure, and contracting services. These recommendations will be ready for consideration by the task force at the December 18, 2019 meeting.

The Regulations subcommittee, chaired by Senator Delcollo, met on December 2, 2019, and discussed a path forward on conducting a regulatory review as well as a timeline on making recommendations based on the current proposed regulations. Additionally, providers in attendance reiterated due process concerns and establishing proper protections for service recipients. Senator Delcollo expressed the need for a Deputy Attorney General and a DDDS staff member to attend the subcommittee's next meeting to field questions on current and proposed regulations and Division policies. The next meeting was scheduled for December 20, 2019 at 10am at the Carvel State Building (room to be determined). Senator Delcollo stated the subcommittee should meet twice a month until they have completed their review and recommendations for the task force.

The Prevailing Service Delivery Issues subcommittee, chaired by Michele Mirabella, submitted four proposed recommendations. After a discussion regarding scope, intent, and the level of detail, the following recommendations were approved:

Recommendation 1: “DDDS will develop clear and on-going training for DDDS staff, all service providers including community navigators and service coordinators, and families on ICAP, rate-setting methodology, and Exception Process for all of DDDS programming.” The motion was made by Michele Mirabella. Rita Landgraf seconded. No opposed, Marissa Catalon abstained, the motion carried 10-0-1 with Senator Anthony Delcollo, Representative Kendra Johnson, and Roy LaFontaine not present.

Recommendation 2: “The Division will follow the Exception Process as outlined in the Division’s guidance and procedures and respond in accordance with established timelines for each step of the process.” The motion was made by Michele Mirabella. Rita Landgraf seconded. No opposed, Marissa Catalon abstained, the motion carried 10-0-1 with Senator Anthony Delcollo, Representative Kendra Johnson, and Roy LaFontaine not present.

Recommendation 3: “DDDS will develop and adhere to communications standards with the provider community and families.” The motion was made by Michele Mirabella. Rita Landgraf seconded the motion. No opposed, Marissa Catalon abstained, the motion carried 10-0-1 with Senator Anthony Delcollo, Representative Kendra Johnson, and Roy LaFontaine not present.

Recommendation 4: “Increase the base funding for DDDS services in accordance with the 2019 DDDS Rate Study.” The motion was made by Michele Mirabella. Rita Landgraf seconded. No opposed, Marissa Catalon abstained, the motion carried 10-0-1 with Senator Anthony Delcollo, Representative Kendra Johnson, and Roy LaFontaine not present.

The next meeting of the Prevailing Services Delivery Issues Subcommittee was scheduled for December 16, 2019 at 1pm in Legislative Hall (room to be announced).

Co-Chair Hansen moved to the update from the DHSS Reorganization Committee.

Kyle Hodges stated that the Committee held their third meeting on December 4, 2019 at the Milford Library and established a process for the creation of subcommittees. The next meeting was scheduled for January 7, 2020 with the location to be determined.

Co-Chair Hansen moved to the report from DDDS on the approval of the outstanding Behavioral Support Plans and the progress to rectify the backlog.

Marissa Catalon provided an overview of the 99 outstanding behavioral support plans. Of those 99 plans, 34% have not been submitted for review by the Behavior Consultation service provider; 26% were submitted, but incomplete (missing signatures or other required sections); 38% were submitted but not approved due to content; and 1% were submitted but the Behavior Analyst did not attend the meeting to present the plan.

101 Based on the recommendation immediately submitted to DDDS following approval at the
102 November 20, 2019 task force meeting which read, “Behavior Support Plans are to be desk
103 reviewed by a member of PROBIS in the 2 weeks prior to a PROBIS meeting and any minor,
104 technical corrections must be submitted back to the provider within 3 working days of the PROBIS
105 meeting with the presumption of acceptance by the PROBIS committee upon corrections which
106 may occur at the PROBIS meeting,” the response from DDDS stated that since August 2019,
107 DDDS BAs have been providing feedback minimally 7 days prior to the scheduled PROBIS date.
108 This gives the consultative BAs one full week to address issues that may impede the BSP review.

109 Several task force members and members of the public responded that this response from DDDS
110 did not match their experiences over the last few months. Co-chair Hansen expressed the desire
111 for a member of PROBIS to attend the next task force meeting to address the conflicting reports.

112 Marissa Catalon reiterated that several PROBIS meetings will be held throughout the rest of
113 December and another update would be provided at the next task force meeting.

114 Co-Chair Hansen stated that members should begin thinking of a path forward for the task force.
115 Given the amount of work to be completed, an extension into 2020 should be considered.
116 Additionally, it may be beneficial to not hold a task force meeting in January due to the start of
117 legislative session and to give the subcommittees additional time to work. This would be a topic
118 for the December 18, 2019 meeting.

119 Co-Chair Hansen adjourned the meeting at 3:26pm. Rita Landgraf seconded the motion.

120 Respectfully prepared by:

121 Amanda McAtee and Mark Brainard, Jr., JLOSC Analysts, Joint Legislative Oversight and Sunset
122 Committee.

123 *Access to the audio recording of this proceeding is available upon request.*